REMARKS

In the office action of November 25, 2002, claims 1-20 were rejected. In response the applicants request amendment of the claims as indicated above. Appendix A includes a copy of the affect d claims marked up to indicate the requested changes.

Claims 1-20 stand rej ct d under 35 U.S.C. 101 and 35 U.S.C. 112 for lack of patentable utility. According to the office action, "it appears that the method/system is attempting to sell a matching service for professionals, whereas a match is dependent on independent criteria provided by the client" and since these criteria "could contain a vast amount of different setting combinations" for searchable keywords, the quality and quantity of candidate resume, and the type of position advertisement, the method is not repeatable and would appear to be an attempt to patent "an abstract idea not a concrete process." The applicants submit that the disclosure describes and claims a system and method for locating, screening, and presenting qualified candidates for positions of employment to potential employers. At times specified by a periodicity search parameter, the system and method automatically search computer searchable databases of resumes of candidates for employment for resumes containing keywords that have been associated with the position advertisement for which the search is being performed (p. 10). The system scores the candidate resumes identified by the search and identifies the potential candidate to the computer user (p. 11). The applicants respectfully submit that the system and method return a useful, concrete, and tangible result in returning the identity of a potential candidate for the position of employment on the basis of the use, in a resume, of a keyword associated with a position advertisement particularizing a position of potential employment. Further, the applicants submit that the process is repeatable because the system returns an identity of a candidate on the basis of use of an associated keyword without regard to the number of potential keywords, the quality and quantity of resumes, or the type of position advertisement. The system and method disclosed is in commercial use identifying candidates for employment and the applicants respectfully submit that the method and system are useful and do produce concrete and tangible results. The applicants request withdrawal of the rejections.

Claim 7 stands rejected under 35 U.S.C. 112, second paragraph as indefinite for insufficient antecedent basis for the recitation of "at least one computer database" in the method of claim 1. Claim 7, as amended, recites a "candidate database" which is recited in claim 1. The applicants request withdrawal of the rejection.

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Claim 19 stands rejected under 35 U.S.C. 112, second paragraph, as b ing incomplete for omitting an ess ntial element: th number of candidat scr ening queries. Claim 19 has been am nded to corr ct a typographical error and specify a screening query. The applicants request withdrawal of th rejection.

Claims 1-3, 6-10, 15-16, and 18 stand rejected under 35 U.S.C. 102( ) as being anticipated by Thomas, US Patent Publication No. US 2002/0055870A1, (Thomas). Thomas, published May 9, 2002, was filed June 8, 2001 and claims the benefit of United States Provisional Application No. 60/210,206 filed June 8, 2000. While the applicants submit that Thomas does not disclose a method and system that automatically searches candidate databases in response to lapsing of period of time specified by a search periodicity associated with a position advertisement, the applicants respectfully submit that Thomas is not prior art to the instant application. The applicants enclose herewith a Rule 131 Declaration of Prior Invention in the United States establishing invention of the method and system of the instant application prior to June 8, 2000. Accordingly, applicants submit that Thomas is not prior art to the present application and request withdrawal of the rejection.

Claims 4-5, 11, 13-14, and 19-20 stand rejected under 35 U.S.C. 103(a) over Thomas in view of Dewar, US Patent Publication No. US 2002/0055866 A1 (Dewar). Claims 12 and 17 stand rejected under 35 U.S.C. 103(a) as obvious from Thomas. The applicants submit, for the reasons stated above, that the invention is not obvious from Thomas and that Thomas is not prior art to the instant application. Likewise, Dewar, published May 9, 2002, on an application filed June 12, 2001 and claiming the benefit of U.S. Provisional Application No. 60/211,044 filed on June 12, 2000, is not prior art to the instant application and does not disclose automated searching for potential candidates for employment. The applicants respectfully submit that claims 4-5, 11-14, 17, and 19-20 are not obvious from Thomas or from Thomas in view of Dewar and request withdrawal of the rejection.

The office action cites several items of art considered to be pertinent to the application but not relied on. The applicants submit that Mayer et al., US Patent Publication No. US 2001/0034630A1, published October 25, 2001, filed April 20, 2001; Barton, US Patent Publication No. US 2002/0046074A1, published April 18, 2002, filed June 29, 2001; Baumgarten et al., US Patent Publication No. US 2002/0026452A1, filed May 17, 2001; Johnson, US Patent Publication No. US 2002/0133369A1, filed November 5, 2001; and

Nagler et al., US Patent Publication N . US 2001/0039508A1, filed December 18, 2000 ar not pri r art to th instant application.

Further, the applicants submit that none of the prior art cited in th office action discloses an integrated method r syst m for employm nt recruiting wherein pot ntial candidates for positions of employment are identified by a search of web sites or other databases of candidate resumes that is initiated automatically upon expiration of a search period, specified in a search parameter, related to a position advertisement and wherein resumes of candidates are scored and the potential candidates can be contacted by the system and requested to reply screening questions and provide references.

The applicants believe that the claims of this application are now in condition for allowance and the Examiner is respectfully requested to allow claims 1-20 to issue. If the Examiner disagrees or believes that for any reason direct contact with applicants' attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number above.

Sincerely,

Timothy A. Long

Reg. No. 28,876

APPENDIX A

1. A method of id ntifying a candidate for a position of mployment [recruiting], said method c mprising the steps of:

    (a)   creating a position advertisem nt including a datum particularizing said position of employment;

    (b)   storing said position advertisement in a computer searchable position database;

    (c)   associating a [storing at least one search parameter including at least one] keyword [associated] with said position advertisement[in a computer searchable database];

    (d)   associating a search periodicity with said position advertisement;

    (e) [(d)]   upon expiration of a period substantially equal to said search periodicity [in response to a search parameter associated with said position advertisement], searching at least one computer searchable candidate database for a candidate resume including said keyword;

    (f) [(e)]   scoring [said] a candidate resume identified by said search as a function of said keyword; and

    (g) [(f)]   presenting an identity of a candidate associated with said candidate resume identified by said search to a computer user on a basis [as a function] of said score.

2. The method of claim 1 wherein the [steps] step of scoring a candidate resume identified by said search as a function of a keyword [and presenting said candidate resume to a computer user as a function of said score] comprises the steps of:

    (a)   identifying a number of occurrences of said keyword in said candidate resume identified by said search; and

    (b)   comparing said number of occurrences to [presenting said candidate resume to said computer user if said number of said occurrences of said keyword in said candidate resume at least equals] a threshold number of [said] occurrences.

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3.   The method of claim 1 further comprising the st ps of:

    (a)   assigning a significance to [said] a keyword; and

    (b)   influencing said scoring of said candidate resume as a function of said significance f said keyword.

4.   The method of claim 1 further comprising the steps of:

    (a)   associating [storing] at least one candidate screening question [associated] with said position advertisement [in a computer searchable database];

    (b)   upon identification of a candidate resume by said search, automatically requesting a response to said candidate screening question from a candidate associated with said candidate resume identified by said search; and

    (c)   scoring a [said] response by said candidate to said candidate screening question.

6.   The method of claim 1 [wherein the step of searching at least one computer searchable database in response to a search parameter associated with said position advertisement comprises] further comprising the steps of:

    (a)   [reading a first search parameter associated with said position advertisement specifying a periodicity of said search;

    (b)   reading a second search parameter associated with said position advertisement specifying] associating an identity of a computer searchable candidate database [to be searched] with said position advertisement; and

    (c)   [in response to said first search parameter initiating a search by a computer of said computer database identified by said second search parameter] (b) upon expiration of a period substantially equal to said search periodicity, searching said candidate database associated with said position advertisement.

7.   The method of claim 1 wherein the st p of searching at least one computer <u>searchable</u> <u>candidate</u> database [In response to a s arch param ter associat d with said position adv rtisement] comprises the steps f:

   (a)   <u>storing an identity of a s archable, comput r network accessible,</u> <u>candidate database</u> [r ading a first search parameter associated with said position advertisement specifying a periodicity of said search];

   (b)   <u>upon expiration of a period substantially equaling said search periodicity;</u> [reading a second search parameter associated with said position advertisement specifying a computer network accessible database to be searched;

   (c)   in response to said first search parameter] accessing said computer network accessible candidate database with a computer;

   <u>(c)</u>[(d)] analyzing a text of a candidate resume stored in said computer network accessible <u>candidate</u> database;

   <u>(d)</u> [(e)]scoring an occurrence of <u>said</u> [a] keyword in said text of said candidate resume; and

   <u>(e)</u> [(f)] as a function of said scoring, copying said candidate resume to [a] <u>another</u> candidate database.[,]

11.   A method of employment recruiting comprising the steps of:

   (a)   creating a position advertisement, <u>including a datum particularizing a</u> <u>position of employment</u>;

   (b)   associating <u>a keyword</u> with said position advertisement [at least one search parameter including at least one keyword];

   (c)   storing said position advertisement <u>and said keyword</u> in a computer searchable database;

   (d)   <u>associating</u> [storing said at least one] <u>a</u> search <u>periodicity</u> parameter in a computer searchable database;

   (e)   in response to <u>expiration of a period substantially equal to said</u> [a] search <u>periodicity</u> parameter, initiating a computer search of at least one computer searchable <u>candidate</u> database for a candidate resume including said keyword;

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    (f)   scoring [said] a candidat resume identified by said s arch as a function

               f said included keyword;

    (g)   including an Identification of a candidat associated with said candidate

               r sume in   [search] result reportable [to be pr sent d] to a computer

               user if said k yword [resume] score of said candidate resume at least

               equals a threshold keyword [resume] score;

    (h)   in response to a determination that said keyword [resume] score at least

               equals said threshold keyword score, automatically contacting said

               candidate and requesting a response to at least one screening question

               associated with said position advertisement;

    (i)   scoring a response of said candidate to said screening question; and

    (j)   reporting said screening question response score in a search result

               presented to said computer user.

12. The method of claim 11 further comprising the steps of:

    (a)   requesting said candidate approve contact with an employment

               reference;

    (b)   upon receipt of said approval, automatically requesting a response of

               said employment reference to at least one reference query; and

    (c)   . reporting said response to said reference query in a search result

               presented to said computer user. .

13.   The method of claim 11 further comprising the steps of:

    (a)   assigning a significance to said keyword; and

    (b)   influencing said keyword [candidate resume] score of said candidate

               resume as a function of said significance of said keyword.

14.   The method of claim 11 further comprising the step of automatically repeating said

    search in response to expiration of a period substantially equal to said [a search

    periodicity specified in a] search periodicity parameter associated with said position

    advertisement.

15.   An employment recruiting system comprising:

    (a)   a searchabl first data structure storing data associated with an employment position, said data including [at least one s arch param ter including] a k yword:

    (b)   a searchable s cond data structure st ring data related to a candidate for employment including a candidate resume; and

    (c)   a data processing device to search said second data structure for a candidate resume including said keyword, said search proceeding automatically in response to expiration of a search periodicity [a search parameter] associated with said employment position.

16.   The system of claim 15 further comprising:

    (a)   a searchable third data structure, accessible from a computer network, said third data structure [for] storing at least one candidate resume; and

    (b)   a network interface enabling said data processing device to search said third data structure for a candidate resume including said keyword.

19.   The system of claim 15 wherein said data processing device comprises:

    (a)   a position advertisement template user interface including at least one candidate qualification entry to be associated with said employment position; and

    (b)   a screening question template user interface comprising at least one candidate screening query to be associated with said employment position [advertisement].

20.   The system of claim 18 wherein said resume scoring instruction further comprises a screening query scoring instruction to score a response to [said] a candidate screening query as a function of a significance weight associated with said candidate screening query.

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